

REMARKS

The Office Action mailed on November 12, 2008, has been received, and carefully considered.

A replacement Abstract of the Disclosure is submitted herewith. It is believed that the replacement Abstract of the Disclosure fully complies with the rules.

The drawings have been objected to as failing to show every feature of the claimed invention. Specifically, it was alleged that the "mutually operating guide means" of claim 6 is not shown in the drawings. Claim 6 has been cancelled to obviate this objection.

The rejection of claims 1-5 and 7-12 under 35 U.S.C. § 102(b) as being anticipated by Jeffrey (US 5,957,897, hereinafter "Jeffrey '897") is respectfully traversed.

The cited reference to Jeffrey '897 does not disclose or suggest Applicant's invention as claimed.

Essentially, the difference between the invention as presently claimed and Jeffrey '897 is the provision of the deflectable edge members (33) on the plunger (30) of the device and assembly of the present invention, which edge members (33) abut and displace the piston rod (45) and the provision of corresponding internal deflector formations (22) in the body of the device which serve to deflect the edge members (33) out of the path of retraction of the barrel of the syringe (40) which is mounted inside the device.

In Jeffrey ('897), there are no exactly comparable deflectable edge members on the plunger (345) shown in Figures 10 to 12 of the patent. The front edges (378) of the plunger (345) are not themselves deflectable. They are merely chamfered. Moreover, these front edges do not abut and serve to displace the piston rod (332) as it is formations (347) spaced halfway down the interior of the plunger (345) which abut and displace the piston rod (332).

To further illustrate the differences between the prior art and Applicant's present invention, the Examiner's attention is respectfully directed to the description at col. 8, lines 45 to 56, as well as Figs. 10 to 12 of Jeffrey '897, in comparison to Figs. 1 to 5 of the present application, and the description at page 6, line 18 to page 7, line 8, and page 8, line 18 to page 9 line 17, of Applicant's present disclosure..

For the Examiner's convenience, the Applicant has provided the enclosed copy of Figures 10, 11 and 12 of Jeffrey '897, wherein the plunger (345) is shown highlighted.

Accordingly, since Jeffrey '897 fails to disclose or suggest every limitation of independent claim 1, and claims 2-4 which are dependent thereon, it is believed that the rejection of claims 1-4 under 35 U.S.C. 102(b) is unsustainable and should be favorably reconsidered and withdrawn.

The rejection of claim 6 under 35 U.S.C. § 103(a) as being obvious over Jeffrey '897 in view of Shyu (US 2003/0065290) is considered moot in that claim 6 has been canceled.

It is believed that the present application is now in condition for allowance, and an early allowance to this effect is respectfully urged. If any final points remain that can be clarified by telephone, Examiner Campbell is encouraged to contact Applicant's attorney at the number indicated below.

Respectfully submitted



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